

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

JANET BOOT, BARBARA GRANT,
CINDY MOFFETT, REMCEY
JEUNENNE PEEPLES, MONIKA
STARK and LATESHA THOMAS,

Plaintiffs-Interveners,

vs.

CRST VAN EXPEDITED, INC.,

Defendant.

No. 07-CV-95-LRR

ORDER

The matter before the court is Defendant CRST Van Expedited, Inc.'s "Rule 12(f) Motion to Strike Plaintiffs'/Interveners' Claim for Punitive Damages Based on Iowa Civil Rights Act [(“ICRA”)]" ("Motion") (docket no. 51). Plaintiffs-Interveners Janet Boot, Barbara Grant, Cindy Moffett, Remcey Jeunenne Peeples, Monika Stark and Latesha Thomas did not respond to the Motion, and the time for doing so has passed. Accordingly, the court **GRANTS** the Motion as unresisted. *See* LR 7.f ("If no timely resistance to a motion is filed, the motion may be granted without notice.").

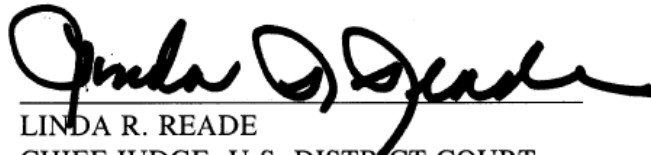
In any event, the Motion appears meritorious. Pursuant to Rule 12(f), "[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). The portions of Amended Complaint that seek punitive damages under ICRA are arguably "impertinent," because

ICRA does not authorize an award of punitive damages. *See, e.g., Baker v. John Morrell & Co.*, 382 F.3d 816, 827 (8th Cir. 2004) (“ICRA does not allow for punitive damages[.]”); *Madison v. IBP, Inc.*, 330 F.3d 1051, 1054 (8th Cir. 2003) (“Although Madison could recover compensatory damages under ICRA, Iowa law does not permit punitive damages in employment cases.”); *Faust v. Command Ctr., Inc.*, 484 F. Supp. 2d 953, 954 n.1 (S.D. Iowa 2007) (“Under the ICRA, punitive damages are prohibited in employment cases.”) (citing *City of Hampton v. Iowa Civil Rights Comm’n*, 554 N.W.2d 532, 537 (Iowa 1996)); *Canterbury v. Fed.-Mogul Ignition Co.*, 418 F. Supp. 2d 1112, 1119 (S.D. Iowa 2006) (granting Rule 12(f) motion to strike request for punitive damages under ICRA).

Accordingly, to the extent Plaintiffs-Intervenors seek punitive damages under ICRA, such portions of Plaintiffs-Intervenors’ Complaint (docket no. 49) are **STRICKEN**. Fed. R. Civ. P. 12(f).

IT IS SO ORDERED.

DATED this 7th day of November, 2008.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA